



Sen. Donne E. Trotter

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09600HB2424sam003

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1 AMENDMENT TO HOUSE BILL 2424

2 AMENDMENT NO. _____. Amend House Bill 2424, AS AMENDED,
3 with reference to page and line numbers of Senate Amendment No.
4 1, on page 3, line 26, by replacing "\$75,000,000" with
5 "\$100,000,000"; and

6 on page 27, between lines 6 and 7, by inserting the following:

7 "Section 30-5. The Department of Commerce and Economic
8 Opportunity Law of the Civil Administrative Code of Illinois is
9 amended by changing Section 605-400 as follows:

10 (20 ILCS 605/605-400) (was 20 ILCS 605/46.19c)

11 Sec. 605-400. Office of Urban Assistance. The Department
12 shall provide for, staff, and administer an Office of Urban
13 Assistance, which shall plan and coordinate existing State
14 programs designed to aid and stimulate the economic growth of
15 depressed urban areas. Among other duties assigned by the

1 Department, the Office shall have the following duties:

2 (1) To coordinate the activities of the following units
3 and programs of the Department and all other present and
4 future units and programs of the Department that impact
5 depressed urban areas to the extent that they impact upon
6 or concern urban economics:

7 (A) Enterprise Zone Program.

8 (B) Small Business Development Center Program.

9 (C) Programs that assist in the development of
10 community infrastructure.

11 (D) Illinois House Energy Assistance Program.

12 (E) Illinois Home Weatherization Assistance Program.

13 (F) Programs financed with Community Services Block
14 Grant funds.

15 (G) Industrial Training Program.

16 (H) Technology Transfer and Innovation Program.

17 (I) Rental Rehabilitation Program.

18 (J) Displaced Homemaker Program.

19 (K) Programs under the federal Job Training
20 Partnership Act.

21 The Office shall convene quarterly meetings of
22 representatives who are designated by the Department to
23 represent the units and programs listed in items (A) through
24 (K).

25 (2) To gather information concerning any State or federal
26 program that is designed to revitalize or assist depressed

1 urban areas in the State and to provide this information to
2 public and private entities upon request.

3 (3) To promote and assist in developing urban inner city
4 industrial parks.

5 (4) To promote economic parity and the autonomy of citizens
6 of this State through promoting and assisting the development
7 of urban inner city small business development centers, urban
8 youth unemployment projects, small business incubators, family
9 resource centers, urban developments banks, self managed urban
10 businesses, and plans for urban infrastructure projects over
11 the next 25 years.

12 (5) To recommend to the General Assembly and the Governor
13 economic policies for urban areas and planning models that will
14 result in the reconstruction of the economy of urban areas,
15 especially those urban areas where economically and socially
16 disadvantaged people live.

17 (6) To make recommendations to the General Assembly and the
18 Governor on the establishment of urban economic policy in the
19 areas of (i) housing, (ii) scientific research, (iii) urban
20 youth unemployment, (iv) business incubators and family
21 resource centers in urban inner cities, and (v) alternative
22 energy resource development, and the need thereof, in urban
23 areas as part of the department's 5-year plan for economic
24 development.

25 (7) To make any rules and regulations necessary to carry
26 out its responsibilities under the Civil Administrative Code of

1 Illinois.

2 (8) To encourage new industrial enterprises to locate in
3 urban areas (i) through educational promotions that point out
4 the opportunities of any such area as a commercial and
5 industrial field of opportunity and (ii) by the solicitation of
6 industrial enterprises; and to do other acts that, in the
7 judgment of the Office, are necessary and proper in fostering
8 and promoting the industrial development and economic welfare
9 of any urban area. The Office, however, shall have no power to
10 require reports from or to regulate any business.

11 (9) To accept grants, loans, or appropriations from the
12 federal government or the State, or any agency or
13 instrumentality thereof, to be used for the operating expenses
14 of the Office or for any purposes of the Office, including the
15 making of direct loans or grants of those funds for public,
16 private, experimental, or cooperative housing, scientific
17 research, urban inner city industrial parks, urban youth
18 employment projects, business incubators, urban infrastructure
19 development, alternative energy resource development, food
20 deserts and community food plots, community facilities needed
21 in urban areas, and any other purpose related to the
22 revitalization of urban areas.

23 (Source: P.A. 91-239, eff. 1-1-00.)"; and

24 on page 224, between lines 5 and 6, by inserting the following:

1 "Section 80-90. Severability. The provisions of this
2 Article 80 are severable under Section 1.31 of the Statute on
3 Statutes.

4 Article 85.

5 Section 85-5. The Department of Revenue Law of the Civil
6 Administrative Code of Illinois is amended by changing Section
7 2505-305 as follows:

8 (20 ILCS 2505/2505-305) (was 20 ILCS 2505/39b15.1)

9 Sec. 2505-305. Investigators.

10 (a) The Department has the power to appoint investigators
11 to conduct all investigations, searches, seizures, arrests,
12 and other duties imposed under the provisions of any law
13 administered by the Department ~~or the Illinois Gaming Board~~.
14 Except as provided in subsection (c), these investigators have
15 and may exercise all the powers of peace officers solely for
16 the purpose of enforcing taxing measures administered by the
17 Department ~~or the Illinois Gaming Board~~.

18 (b) The Director must authorize to each investigator
19 employed under this Section and to any other employee of the
20 Department exercising the powers of a peace officer a distinct
21 badge that, on its face, (i) clearly states that the badge is
22 authorized by the Department and (ii) contains a unique
23 identifying number. No other badge shall be authorized by the

1 Department.

2 (c) The Department may enter into agreements with the
3 Illinois Gaming Board providing that investigators appointed
4 under this Section shall exercise the peace officer powers set
5 forth in paragraph (20.6) of subsection (c) of Section 5 of the
6 Riverboat Gambling Act. ~~Investigators appointed under this~~
7 ~~Section who are assigned to the Illinois Gaming Board have and~~
8 ~~may exercise all the rights and powers of peace officers,~~
9 ~~provided that these powers shall be limited to offenses or~~
10 ~~violations occurring or committed on a riverboat or dock, as~~
11 ~~defined in subsections (d) and (f) of Section 4 of the~~
12 ~~Riverboat Gambling Act.~~

13 (Source: P.A. 91-239, eff. 1-1-00; 91-883, eff. 1-1-01; 92-493,
14 eff. 1-1-02.)

15 Section 85-20. The Illinois Pension Code is amended by
16 changing Sections 14-110 and 14-152.1 as follows:

17 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

18 Sec. 14-110. Alternative retirement annuity.

19 (a) Any member who has withdrawn from service with not less
20 than 20 years of eligible creditable service and has attained
21 age 55, and any member who has withdrawn from service with not
22 less than 25 years of eligible creditable service and has
23 attained age 50, regardless of whether the attainment of either
24 of the specified ages occurs while the member is still in

1 service, shall be entitled to receive at the option of the
2 member, in lieu of the regular or minimum retirement annuity, a
3 retirement annuity computed as follows:

4 (i) for periods of service as a noncovered employee: if
5 retirement occurs on or after January 1, 2001, 3% of final
6 average compensation for each year of creditable service;
7 if retirement occurs before January 1, 2001, 2 1/4% of
8 final average compensation for each of the first 10 years
9 of creditable service, 2 1/2% for each year above 10 years
10 to and including 20 years of creditable service, and 2 3/4%
11 for each year of creditable service above 20 years; and

12 (ii) for periods of eligible creditable service as a
13 covered employee: if retirement occurs on or after January
14 1, 2001, 2.5% of final average compensation for each year
15 of creditable service; if retirement occurs before January
16 1, 2001, 1.67% of final average compensation for each of
17 the first 10 years of such service, 1.90% for each of the
18 next 10 years of such service, 2.10% for each year of such
19 service in excess of 20 but not exceeding 30, and 2.30% for
20 each year in excess of 30.

21 Such annuity shall be subject to a maximum of 75% of final
22 average compensation if retirement occurs before January 1,
23 2001 or to a maximum of 80% of final average compensation if
24 retirement occurs on or after January 1, 2001.

25 These rates shall not be applicable to any service
26 performed by a member as a covered employee which is not

1 eligible creditable service. Service as a covered employee
2 which is not eligible creditable service shall be subject to
3 the rates and provisions of Section 14-108.

4 (b) For the purpose of this Section, "eligible creditable
5 service" means creditable service resulting from service in one
6 or more of the following positions:

7 (1) State policeman;

8 (2) fire fighter in the fire protection service of a
9 department;

10 (3) air pilot;

11 (4) special agent;

12 (5) investigator for the Secretary of State;

13 (6) conservation police officer;

14 (7) investigator for the Department of Revenue or the
15 Illinois Gaming Board;

16 (8) security employee of the Department of Human
17 Services;

18 (9) Central Management Services security police
19 officer;

20 (10) security employee of the Department of
21 Corrections or the Department of Juvenile Justice;

22 (11) dangerous drugs investigator;

23 (12) investigator for the Department of State Police;

24 (13) investigator for the Office of the Attorney
25 General;

26 (14) controlled substance inspector;

1 (15) investigator for the Office of the State's
2 Attorneys Appellate Prosecutor;

3 (16) Commerce Commission police officer;

4 (17) arson investigator;

5 (18) State highway maintenance worker.

6 A person employed in one of the positions specified in this
7 subsection is entitled to eligible creditable service for
8 service credit earned under this Article while undergoing the
9 basic police training course approved by the Illinois Law
10 Enforcement Training Standards Board, if completion of that
11 training is required of persons serving in that position. For
12 the purposes of this Code, service during the required basic
13 police training course shall be deemed performance of the
14 duties of the specified position, even though the person is not
15 a sworn peace officer at the time of the training.

16 (c) For the purposes of this Section:

17 (1) The term "state policeman" includes any title or
18 position in the Department of State Police that is held by
19 an individual employed under the State Police Act.

20 (2) The term "fire fighter in the fire protection
21 service of a department" includes all officers in such fire
22 protection service including fire chiefs and assistant
23 fire chiefs.

24 (3) The term "air pilot" includes any employee whose
25 official job description on file in the Department of
26 Central Management Services, or in the department by which

1 he is employed if that department is not covered by the
2 Personnel Code, states that his principal duty is the
3 operation of aircraft, and who possesses a pilot's license;
4 however, the change in this definition made by this
5 amendatory Act of 1983 shall not operate to exclude any
6 noncovered employee who was an "air pilot" for the purposes
7 of this Section on January 1, 1984.

8 (4) The term "special agent" means any person who by
9 reason of employment by the Division of Narcotic Control,
10 the Bureau of Investigation or, after July 1, 1977, the
11 Division of Criminal Investigation, the Division of
12 Internal Investigation, the Division of Operations, or any
13 other Division or organizational entity in the Department
14 of State Police is vested by law with duties to maintain
15 public order, investigate violations of the criminal law of
16 this State, enforce the laws of this State, make arrests
17 and recover property. The term "special agent" includes any
18 title or position in the Department of State Police that is
19 held by an individual employed under the State Police Act.

20 (5) The term "investigator for the Secretary of State"
21 means any person employed by the Office of the Secretary of
22 State and vested with such investigative duties as render
23 him ineligible for coverage under the Social Security Act
24 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
25 218(1)(1) of that Act.

26 A person who became employed as an investigator for the

1 Secretary of State between January 1, 1967 and December 31,
2 1975, and who has served as such until attainment of age
3 60, either continuously or with a single break in service
4 of not more than 3 years duration, which break terminated
5 before January 1, 1976, shall be entitled to have his
6 retirement annuity calculated in accordance with
7 subsection (a), notwithstanding that he has less than 20
8 years of credit for such service.

9 (6) The term "Conservation Police Officer" means any
10 person employed by the Division of Law Enforcement of the
11 Department of Natural Resources and vested with such law
12 enforcement duties as render him ineligible for coverage
13 under the Social Security Act by reason of Sections
14 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The
15 term "Conservation Police Officer" includes the positions
16 of Chief Conservation Police Administrator and Assistant
17 Conservation Police Administrator.

18 (7) The term "investigator for the Department of
19 Revenue" means any person employed by the Department of
20 Revenue and vested with such investigative duties as render
21 him ineligible for coverage under the Social Security Act
22 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
23 218(1)(1) of that Act.

24 The term "investigator for the Illinois Gaming Board"
25 means any person employed as such by the Illinois Gaming
26 Board and vested with such peace officer duties as render

1 the person ineligible for coverage under the Social
2 Security Act by reason of Sections 218(d)(5)(A),
3 218(d)(8)(D), and 218(1)(1) of that Act.

4 (8) The term "security employee of the Department of
5 Human Services" means any person employed by the Department
6 of Human Services who (i) is employed at the Chester Mental
7 Health Center and has daily contact with the residents
8 thereof, (ii) is employed within a security unit at a
9 facility operated by the Department and has daily contact
10 with the residents of the security unit, (iii) is employed
11 at a facility operated by the Department that includes a
12 security unit and is regularly scheduled to work at least
13 50% of his or her working hours within that security unit,
14 or (iv) is a mental health police officer. "Mental health
15 police officer" means any person employed by the Department
16 of Human Services in a position pertaining to the
17 Department's mental health and developmental disabilities
18 functions who is vested with such law enforcement duties as
19 render the person ineligible for coverage under the Social
20 Security Act by reason of Sections 218(d)(5)(A),
21 218(d)(8)(D) and 218(1)(1) of that Act. "Security unit"
22 means that portion of a facility that is devoted to the
23 care, containment, and treatment of persons committed to
24 the Department of Human Services as sexually violent
25 persons, persons unfit to stand trial, or persons not
26 guilty by reason of insanity. With respect to past

1 employment, references to the Department of Human Services
2 include its predecessor, the Department of Mental Health
3 and Developmental Disabilities.

4 The changes made to this subdivision (c)(8) by Public
5 Act 92-14 apply to persons who retire on or after January
6 1, 2001, notwithstanding Section 1-103.1.

7 (9) "Central Management Services security police
8 officer" means any person employed by the Department of
9 Central Management Services who is vested with such law
10 enforcement duties as render him ineligible for coverage
11 under the Social Security Act by reason of Sections
12 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

13 (10) For a member who first became an employee under
14 this Article before July 1, 2005, the term "security
15 employee of the Department of Corrections or the Department
16 of Juvenile Justice" means any employee of the Department
17 of Corrections or the Department of Juvenile Justice or the
18 former Department of Personnel, and any member or employee
19 of the Prisoner Review Board, who has daily contact with
20 inmates or youth by working within a correctional facility
21 or Juvenile facility operated by the Department of Juvenile
22 Justice or who is a parole officer or an employee who has
23 direct contact with committed persons in the performance of
24 his or her job duties. For a member who first becomes an
25 employee under this Article on or after July 1, 2005, the
26 term means an employee of the Department of Corrections or

1 the Department of Juvenile Justice who is any of the
2 following: (i) officially headquartered at a correctional
3 facility or Juvenile facility operated by the Department of
4 Juvenile Justice, (ii) a parole officer, (iii) a member of
5 the apprehension unit, (iv) a member of the intelligence
6 unit, (v) a member of the sort team, or (vi) an
7 investigator.

8 (11) The term "dangerous drugs investigator" means any
9 person who is employed as such by the Department of Human
10 Services.

11 (12) The term "investigator for the Department of State
12 Police" means a person employed by the Department of State
13 Police who is vested under Section 4 of the Narcotic
14 Control Division Abolition Act with such law enforcement
15 powers as render him ineligible for coverage under the
16 Social Security Act by reason of Sections 218(d)(5)(A),
17 218(d)(8)(D) and 218(1)(1) of that Act.

18 (13) "Investigator for the Office of the Attorney
19 General" means any person who is employed as such by the
20 Office of the Attorney General and is vested with such
21 investigative duties as render him ineligible for coverage
22 under the Social Security Act by reason of Sections
23 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For
24 the period before January 1, 1989, the term includes all
25 persons who were employed as investigators by the Office of
26 the Attorney General, without regard to social security

1 status.

2 (14) "Controlled substance inspector" means any person
3 who is employed as such by the Department of Professional
4 Regulation and is vested with such law enforcement duties
5 as render him ineligible for coverage under the Social
6 Security Act by reason of Sections 218(d)(5)(A),
7 218(d)(8)(D) and 218(1)(1) of that Act. The term
8 "controlled substance inspector" includes the Program
9 Executive of Enforcement and the Assistant Program
10 Executive of Enforcement.

11 (15) The term "investigator for the Office of the
12 State's Attorneys Appellate Prosecutor" means a person
13 employed in that capacity on a full time basis under the
14 authority of Section 7.06 of the State's Attorneys
15 Appellate Prosecutor's Act.

16 (16) "Commerce Commission police officer" means any
17 person employed by the Illinois Commerce Commission who is
18 vested with such law enforcement duties as render him
19 ineligible for coverage under the Social Security Act by
20 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
21 218(1)(1) of that Act.

22 (17) "Arson investigator" means any person who is
23 employed as such by the Office of the State Fire Marshal
24 and is vested with such law enforcement duties as render
25 the person ineligible for coverage under the Social
26 Security Act by reason of Sections 218(d)(5)(A),

1 218(d)(8)(D), and 218(1)(1) of that Act. A person who was
2 employed as an arson investigator on January 1, 1995 and is
3 no longer in service but not yet receiving a retirement
4 annuity may convert his or her creditable service for
5 employment as an arson investigator into eligible
6 creditable service by paying to the System the difference
7 between the employee contributions actually paid for that
8 service and the amounts that would have been contributed if
9 the applicant were contributing at the rate applicable to
10 persons with the same social security status earning
11 eligible creditable service on the date of application.

12 (18) The term "State highway maintenance worker" means
13 a person who is either of the following:

14 (i) A person employed on a full-time basis by the
15 Illinois Department of Transportation in the position
16 of highway maintainer, highway maintenance lead
17 worker, highway maintenance lead/lead worker, heavy
18 construction equipment operator, power shovel
19 operator, or bridge mechanic; and whose principal
20 responsibility is to perform, on the roadway, the
21 actual maintenance necessary to keep the highways that
22 form a part of the State highway system in serviceable
23 condition for vehicular traffic.

24 (ii) A person employed on a full-time basis by the
25 Illinois State Toll Highway Authority in the position
26 of equipment operator/laborer H-4, equipment

1 operator/laborer H-6, welder H-4, welder H-6,
2 mechanical/electrical H-4, mechanical/electrical H-6,
3 water/sewer H-4, water/sewer H-6, sign maker/hanger
4 H-4, sign maker/hanger H-6, roadway lighting H-4,
5 roadway lighting H-6, structural H-4, structural H-6,
6 painter H-4, or painter H-6; and whose principal
7 responsibility is to perform, on the roadway, the
8 actual maintenance necessary to keep the Authority's
9 tollways in serviceable condition for vehicular
10 traffic.

11 (d) A security employee of the Department of Corrections or
12 the Department of Juvenile Justice, and a security employee of
13 the Department of Human Services who is not a mental health
14 police officer, shall not be eligible for the alternative
15 retirement annuity provided by this Section unless he or she
16 meets the following minimum age and service requirements at the
17 time of retirement:

18 (i) 25 years of eligible creditable service and age 55;

19 or

20 (ii) beginning January 1, 1987, 25 years of eligible
21 creditable service and age 54, or 24 years of eligible
22 creditable service and age 55; or

23 (iii) beginning January 1, 1988, 25 years of eligible
24 creditable service and age 53, or 23 years of eligible
25 creditable service and age 55; or

26 (iv) beginning January 1, 1989, 25 years of eligible

1 creditable service and age 52, or 22 years of eligible
2 creditable service and age 55; or

3 (v) beginning January 1, 1990, 25 years of eligible
4 creditable service and age 51, or 21 years of eligible
5 creditable service and age 55; or

6 (vi) beginning January 1, 1991, 25 years of eligible
7 creditable service and age 50, or 20 years of eligible
8 creditable service and age 55.

9 Persons who have service credit under Article 16 of this
10 Code for service as a security employee of the Department of
11 Corrections or the Department of Juvenile Justice, or the
12 Department of Human Services in a position requiring
13 certification as a teacher may count such service toward
14 establishing their eligibility under the service requirements
15 of this Section; but such service may be used only for
16 establishing such eligibility, and not for the purpose of
17 increasing or calculating any benefit.

18 (e) If a member enters military service while working in a
19 position in which eligible creditable service may be earned,
20 and returns to State service in the same or another such
21 position, and fulfills in all other respects the conditions
22 prescribed in this Article for credit for military service,
23 such military service shall be credited as eligible creditable
24 service for the purposes of the retirement annuity prescribed
25 in this Section.

26 (f) For purposes of calculating retirement annuities under

1 this Section, periods of service rendered after December 31,
2 1968 and before October 1, 1975 as a covered employee in the
3 position of special agent, conservation police officer, mental
4 health police officer, or investigator for the Secretary of
5 State, shall be deemed to have been service as a noncovered
6 employee, provided that the employee pays to the System prior
7 to retirement an amount equal to (1) the difference between the
8 employee contributions that would have been required for such
9 service as a noncovered employee, and the amount of employee
10 contributions actually paid, plus (2) if payment is made after
11 July 31, 1987, regular interest on the amount specified in item
12 (1) from the date of service to the date of payment.

13 For purposes of calculating retirement annuities under
14 this Section, periods of service rendered after December 31,
15 1968 and before January 1, 1982 as a covered employee in the
16 position of investigator for the Department of Revenue shall be
17 deemed to have been service as a noncovered employee, provided
18 that the employee pays to the System prior to retirement an
19 amount equal to (1) the difference between the employee
20 contributions that would have been required for such service as
21 a noncovered employee, and the amount of employee contributions
22 actually paid, plus (2) if payment is made after January 1,
23 1990, regular interest on the amount specified in item (1) from
24 the date of service to the date of payment.

25 (g) A State policeman may elect, not later than January 1,
26 1990, to establish eligible creditable service for up to 10

1 years of his service as a policeman under Article 3, by filing
2 a written election with the Board, accompanied by payment of an
3 amount to be determined by the Board, equal to (i) the
4 difference between the amount of employee and employer
5 contributions transferred to the System under Section 3-110.5,
6 and the amounts that would have been contributed had such
7 contributions been made at the rates applicable to State
8 policemen, plus (ii) interest thereon at the effective rate for
9 each year, compounded annually, from the date of service to the
10 date of payment.

11 Subject to the limitation in subsection (i), a State
12 policeman may elect, not later than July 1, 1993, to establish
13 eligible creditable service for up to 10 years of his service
14 as a member of the County Police Department under Article 9, by
15 filing a written election with the Board, accompanied by
16 payment of an amount to be determined by the Board, equal to
17 (i) the difference between the amount of employee and employer
18 contributions transferred to the System under Section 9-121.10
19 and the amounts that would have been contributed had those
20 contributions been made at the rates applicable to State
21 policemen, plus (ii) interest thereon at the effective rate for
22 each year, compounded annually, from the date of service to the
23 date of payment.

24 (h) Subject to the limitation in subsection (i), a State
25 policeman or investigator for the Secretary of State may elect
26 to establish eligible creditable service for up to 12 years of

1 his service as a policeman under Article 5, by filing a written
2 election with the Board on or before January 31, 1992, and
3 paying to the System by January 31, 1994 an amount to be
4 determined by the Board, equal to (i) the difference between
5 the amount of employee and employer contributions transferred
6 to the System under Section 5-236, and the amounts that would
7 have been contributed had such contributions been made at the
8 rates applicable to State policemen, plus (ii) interest thereon
9 at the effective rate for each year, compounded annually, from
10 the date of service to the date of payment.

11 Subject to the limitation in subsection (i), a State
12 policeman, conservation police officer, or investigator for
13 the Secretary of State may elect to establish eligible
14 creditable service for up to 10 years of service as a sheriff's
15 law enforcement employee under Article 7, by filing a written
16 election with the Board on or before January 31, 1993, and
17 paying to the System by January 31, 1994 an amount to be
18 determined by the Board, equal to (i) the difference between
19 the amount of employee and employer contributions transferred
20 to the System under Section 7-139.7, and the amounts that would
21 have been contributed had such contributions been made at the
22 rates applicable to State policemen, plus (ii) interest thereon
23 at the effective rate for each year, compounded annually, from
24 the date of service to the date of payment.

25 Subject to the limitation in subsection (i), a State
26 policeman, conservation police officer, or investigator for

1 the Secretary of State may elect to establish eligible
2 creditable service for up to 5 years of service as a police
3 officer under Article 3, a policeman under Article 5, a
4 sheriff's law enforcement employee under Article 7, a member of
5 the county police department under Article 9, or a police
6 officer under Article 15 by filing a written election with the
7 Board and paying to the System an amount to be determined by
8 the Board, equal to (i) the difference between the amount of
9 employee and employer contributions transferred to the System
10 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4
11 and the amounts that would have been contributed had such
12 contributions been made at the rates applicable to State
13 policemen, plus (ii) interest thereon at the effective rate for
14 each year, compounded annually, from the date of service to the
15 date of payment.

16 (i) The total amount of eligible creditable service
17 established by any person under subsections (g), (h), (j), (k),
18 and (l) of this Section shall not exceed 12 years.

19 (j) Subject to the limitation in subsection (i), an
20 investigator for the Office of the State's Attorneys Appellate
21 Prosecutor or a controlled substance inspector may elect to
22 establish eligible creditable service for up to 10 years of his
23 service as a policeman under Article 3 or a sheriff's law
24 enforcement employee under Article 7, by filing a written
25 election with the Board, accompanied by payment of an amount to
26 be determined by the Board, equal to (1) the difference between

1 the amount of employee and employer contributions transferred
2 to the System under Section 3-110.6 or 7-139.8, and the amounts
3 that would have been contributed had such contributions been
4 made at the rates applicable to State policemen, plus (2)
5 interest thereon at the effective rate for each year,
6 compounded annually, from the date of service to the date of
7 payment.

8 (k) Subject to the limitation in subsection (i) of this
9 Section, an alternative formula employee may elect to establish
10 eligible creditable service for periods spent as a full-time
11 law enforcement officer or full-time corrections officer
12 employed by the federal government or by a state or local
13 government located outside of Illinois, for which credit is not
14 held in any other public employee pension fund or retirement
15 system. To obtain this credit, the applicant must file a
16 written application with the Board by March 31, 1998,
17 accompanied by evidence of eligibility acceptable to the Board
18 and payment of an amount to be determined by the Board, equal
19 to (1) employee contributions for the credit being established,
20 based upon the applicant's salary on the first day as an
21 alternative formula employee after the employment for which
22 credit is being established and the rates then applicable to
23 alternative formula employees, plus (2) an amount determined by
24 the Board to be the employer's normal cost of the benefits
25 accrued for the credit being established, plus (3) regular
26 interest on the amounts in items (1) and (2) from the first day

1 as an alternative formula employee after the employment for
2 which credit is being established to the date of payment.

3 (1) Subject to the limitation in subsection (i), a security
4 employee of the Department of Corrections may elect, not later
5 than July 1, 1998, to establish eligible creditable service for
6 up to 10 years of his or her service as a policeman under
7 Article 3, by filing a written election with the Board,
8 accompanied by payment of an amount to be determined by the
9 Board, equal to (i) the difference between the amount of
10 employee and employer contributions transferred to the System
11 under Section 3-110.5, and the amounts that would have been
12 contributed had such contributions been made at the rates
13 applicable to security employees of the Department of
14 Corrections, plus (ii) interest thereon at the effective rate
15 for each year, compounded annually, from the date of service to
16 the date of payment.

17 (m) The amendatory changes to this Section made by this
18 amendatory Act of the 94th General Assembly apply only to: (1)
19 security employees of the Department of Juvenile Justice
20 employed by the Department of Corrections before the effective
21 date of this amendatory Act of the 94th General Assembly and
22 transferred to the Department of Juvenile Justice by this
23 amendatory Act of the 94th General Assembly; and (2) persons
24 employed by the Department of Juvenile Justice on or after the
25 effective date of this amendatory Act of the 94th General
26 Assembly who are required by subsection (b) of Section 3-2.5-15

1 of the Unified Code of Corrections to have a bachelor's or
2 advanced degree from an accredited college or university with a
3 specialization in criminal justice, education, psychology,
4 social work, or a closely related social science or, in the
5 case of persons who provide vocational training, who are
6 required to have adequate knowledge in the skill for which they
7 are providing the vocational training.

8 (n) A person employed in a position under subsection (b) of
9 this Section who has purchased service credit under subsection
10 (j) of Section 14-104 or subsection (b) of Section 14-105 in
11 any other capacity under this Article may convert up to 5 years
12 of that service credit into service credit covered under this
13 Section by paying to the Fund an amount equal to (1) the
14 additional employee contribution required under Section
15 14-133, plus (2) the additional employer contribution required
16 under Section 14-131, plus (3) interest on items (1) and (2) at
17 the actuarially assumed rate from the date of the service to
18 the date of payment.

19 (Source: P.A. 94-4, eff. 6-1-05; 94-696, eff. 6-1-06; 95-530,
20 eff. 8-28-07; 95-1036, eff. 2-17-09.)

21 (40 ILCS 5/14-152.1)

22 Sec. 14-152.1. Application and expiration of new benefit
23 increases.

24 (a) As used in this Section, "new benefit increase" means
25 an increase in the amount of any benefit provided under this

1 Article, or an expansion of the conditions of eligibility for
2 any benefit under this Article, that results from an amendment
3 to this Code that takes effect after June 1, 2005 (the
4 effective date of Public Act 94-4) ~~this amendatory Act of the~~
5 ~~94th General Assembly~~. "New benefit increase", however, does
6 not include any benefit increase resulting from the changes
7 made to this Article by this amendatory Act of the 96th General
8 Assembly.

9 (b) Notwithstanding any other provision of this Code or any
10 subsequent amendment to this Code, every new benefit increase
11 is subject to this Section and shall be deemed to be granted
12 only in conformance with and contingent upon compliance with
13 the provisions of this Section.

14 (c) The Public Act enacting a new benefit increase must
15 identify and provide for payment to the System of additional
16 funding at least sufficient to fund the resulting annual
17 increase in cost to the System as it accrues.

18 Every new benefit increase is contingent upon the General
19 Assembly providing the additional funding required under this
20 subsection. The Commission on Government Forecasting and
21 Accountability shall analyze whether adequate additional
22 funding has been provided for the new benefit increase and
23 shall report its analysis to the Public Pension Division of the
24 Department of Financial and Professional Regulation. A new
25 benefit increase created by a Public Act that does not include
26 the additional funding required under this subsection is null

1 and void. If the Public Pension Division determines that the
2 additional funding provided for a new benefit increase under
3 this subsection is or has become inadequate, it may so certify
4 to the Governor and the State Comptroller and, in the absence
5 of corrective action by the General Assembly, the new benefit
6 increase shall expire at the end of the fiscal year in which
7 the certification is made.

8 (d) Every new benefit increase shall expire 5 years after
9 its effective date or on such earlier date as may be specified
10 in the language enacting the new benefit increase or provided
11 under subsection (c). This does not prevent the General
12 Assembly from extending or re-creating a new benefit increase
13 by law.

14 (e) Except as otherwise provided in the language creating
15 the new benefit increase, a new benefit increase that expires
16 under this Section continues to apply to persons who applied
17 and qualified for the affected benefit while the new benefit
18 increase was in effect and to the affected beneficiaries and
19 alternate payees of such persons, but does not apply to any
20 other person, including without limitation a person who
21 continues in service after the expiration date and did not
22 apply and qualify for the affected benefit while the new
23 benefit increase was in effect.

24 (Source: P.A. 94-4, eff. 6-1-05.)

25 Section 85-25. The Riverboat Gambling Act is amended by

1 changing Section 5 as follows:

2 (230 ILCS 10/5) (from Ch. 120, par. 2405)

3 Sec. 5. Gaming Board.

4 (a) (1) There is hereby established within the Department
5 of Revenue an Illinois Gaming Board which shall have the powers
6 and duties specified in this Act, and all other powers
7 necessary and proper to fully and effectively execute this Act
8 for the purpose of administering, regulating, and enforcing the
9 system of riverboat gambling established by this Act. Its
10 jurisdiction shall extend under this Act to every person,
11 association, corporation, partnership and trust involved in
12 riverboat gambling operations in the State of Illinois.

13 (2) The Board shall consist of 5 members to be appointed by
14 the Governor with the advice and consent of the Senate, one of
15 whom shall be designated by the Governor to be chairman. Each
16 member shall have a reasonable knowledge of the practice,
17 procedure and principles of gambling operations. Each member
18 shall either be a resident of Illinois or shall certify that he
19 will become a resident of Illinois before taking office. At
20 least one member shall be experienced in law enforcement and
21 criminal investigation, at least one member shall be a
22 certified public accountant experienced in accounting and
23 auditing, and at least one member shall be a lawyer licensed to
24 practice law in Illinois.

25 (3) The terms of office of the Board members shall be 3

1 years, except that the terms of office of the initial Board
2 members appointed pursuant to this Act will commence from the
3 effective date of this Act and run as follows: one for a term
4 ending July 1, 1991, 2 for a term ending July 1, 1992, and 2 for
5 a term ending July 1, 1993. Upon the expiration of the
6 foregoing terms, the successors of such members shall serve a
7 term for 3 years and until their successors are appointed and
8 qualified for like terms. Vacancies in the Board shall be
9 filled for the unexpired term in like manner as original
10 appointments. Each member of the Board shall be eligible for
11 reappointment at the discretion of the Governor with the advice
12 and consent of the Senate.

13 (4) Each member of the Board shall receive \$300 for each
14 day the Board meets and for each day the member conducts any
15 hearing pursuant to this Act. Each member of the Board shall
16 also be reimbursed for all actual and necessary expenses and
17 disbursements incurred in the execution of official duties.

18 (5) No person shall be appointed a member of the Board or
19 continue to be a member of the Board who is, or whose spouse,
20 child or parent is, a member of the board of directors of, or a
21 person financially interested in, any gambling operation
22 subject to the jurisdiction of this Board, or any race track,
23 race meeting, racing association or the operations thereof
24 subject to the jurisdiction of the Illinois Racing Board. No
25 Board member shall hold any other public office for which he
26 shall receive compensation other than necessary travel or other

1 incidental expenses. No person shall be a member of the Board
2 who is not of good moral character or who has been convicted
3 of, or is under indictment for, a felony under the laws of
4 Illinois or any other state, or the United States.

5 (6) Any member of the Board may be removed by the Governor
6 for neglect of duty, misfeasance, malfeasance, or nonfeasance
7 in office.

8 (7) Before entering upon the discharge of the duties of his
9 office, each member of the Board shall take an oath that he
10 will faithfully execute the duties of his office according to
11 the laws of the State and the rules and regulations adopted
12 therewith and shall give bond to the State of Illinois,
13 approved by the Governor, in the sum of \$25,000. Every such
14 bond, when duly executed and approved, shall be recorded in the
15 office of the Secretary of State. Whenever the Governor
16 determines that the bond of any member of the Board has become
17 or is likely to become invalid or insufficient, he shall
18 require such member forthwith to renew his bond, which is to be
19 approved by the Governor. Any member of the Board who fails to
20 take oath and give bond within 30 days from the date of his
21 appointment, or who fails to renew his bond within 30 days
22 after it is demanded by the Governor, shall be guilty of
23 neglect of duty and may be removed by the Governor. The cost of
24 any bond given by any member of the Board under this Section
25 shall be taken to be a part of the necessary expenses of the
26 Board.

1 (8) Upon the request of the Board, the Department shall
2 employ such personnel as may be necessary to carry out the
3 functions of the Board. No person shall be employed to serve
4 the Board who is, or whose spouse, parent or child is, an
5 official of, or has a financial interest in or financial
6 relation with, any operator engaged in gambling operations
7 within this State or any organization engaged in conducting
8 horse racing within this State. Any employee violating these
9 prohibitions shall be subject to termination of employment.

10 (9) An Administrator shall perform any and all duties that
11 the Board shall assign him. The salary of the Administrator
12 shall be determined by the Board and approved by the Director
13 of the Department and, in addition, he shall be reimbursed for
14 all actual and necessary expenses incurred by him in discharge
15 of his official duties. The Administrator shall keep records of
16 all proceedings of the Board and shall preserve all records,
17 books, documents and other papers belonging to the Board or
18 entrusted to its care. The Administrator shall devote his full
19 time to the duties of the office and shall not hold any other
20 office or employment.

21 (b) The Board shall have general responsibility for the
22 implementation of this Act. Its duties include, without
23 limitation, the following:

24 (1) To decide promptly and in reasonable order all
25 license applications. Any party aggrieved by an action of
26 the Board denying, suspending, revoking, restricting or

1 refusing to renew a license may request a hearing before
2 the Board. A request for a hearing must be made to the
3 Board in writing within 5 days after service of notice of
4 the action of the Board. Notice of the action of the Board
5 shall be served either by personal delivery or by certified
6 mail, postage prepaid, to the aggrieved party. Notice
7 served by certified mail shall be deemed complete on the
8 business day following the date of such mailing. The Board
9 shall conduct all requested hearings promptly and in
10 reasonable order;

11 (2) To conduct all hearings pertaining to civil
12 violations of this Act or rules and regulations promulgated
13 hereunder;

14 (3) To promulgate such rules and regulations as in its
15 judgment may be necessary to protect or enhance the
16 credibility and integrity of gambling operations
17 authorized by this Act and the regulatory process
18 hereunder;

19 (4) To provide for the establishment and collection of
20 all license and registration fees and taxes imposed by this
21 Act and the rules and regulations issued pursuant hereto.
22 All such fees and taxes shall be deposited into the State
23 Gaming Fund;

24 (5) To provide for the levy and collection of penalties
25 and fines for the violation of provisions of this Act and
26 the rules and regulations promulgated hereunder. All such

1 fines and penalties shall be deposited into the Education
2 Assistance Fund, created by Public Act 86-0018, of the
3 State of Illinois;

4 (6) To be present through its inspectors and agents any
5 time gambling operations are conducted on any riverboat for
6 the purpose of certifying the revenue thereof, receiving
7 complaints from the public, and conducting such other
8 investigations into the conduct of the gambling games and
9 the maintenance of the equipment as from time to time the
10 Board may deem necessary and proper;

11 (7) To review and rule upon any complaint by a licensee
12 regarding any investigative procedures of the State which
13 are unnecessarily disruptive of gambling operations. The
14 need to inspect and investigate shall be presumed at all
15 times. The disruption of a licensee's operations shall be
16 proved by clear and convincing evidence, and establish
17 that: (A) the procedures had no reasonable law enforcement
18 purposes, and (B) the procedures were so disruptive as to
19 unreasonably inhibit gambling operations;

20 (8) To hold at least one meeting each quarter of the
21 fiscal year. In addition, special meetings may be called by
22 the Chairman or any 2 Board members upon 72 hours written
23 notice to each member. All Board meetings shall be subject
24 to the Open Meetings Act. Three members of the Board shall
25 constitute a quorum, and 3 votes shall be required for any
26 final determination by the Board. The Board shall keep a

1 complete and accurate record of all its meetings. A
2 majority of the members of the Board shall constitute a
3 quorum for the transaction of any business, for the
4 performance of any duty, or for the exercise of any power
5 which this Act requires the Board members to transact,
6 perform or exercise en banc, except that, upon order of the
7 Board, one of the Board members or an administrative law
8 judge designated by the Board may conduct any hearing
9 provided for under this Act or by Board rule and may
10 recommend findings and decisions to the Board. The Board
11 member or administrative law judge conducting such hearing
12 shall have all powers and rights granted to the Board in
13 this Act. The record made at the time of the hearing shall
14 be reviewed by the Board, or a majority thereof, and the
15 findings and decision of the majority of the Board shall
16 constitute the order of the Board in such case;

17 (9) To maintain records which are separate and distinct
18 from the records of any other State board or commission.
19 Such records shall be available for public inspection and
20 shall accurately reflect all Board proceedings;

21 (10) To file a written annual report with the Governor
22 on or before March 1 each year and such additional reports
23 as the Governor may request. The annual report shall
24 include a statement of receipts and disbursements by the
25 Board, actions taken by the Board, and any additional
26 information and recommendations which the Board may deem

1 valuable or which the Governor may request;

2 (11) (Blank); and

3 (12) To assume responsibility for the administration
4 and enforcement of the Bingo License and Tax Act, the
5 Charitable Games Act, and the Pull Tabs and Jar Games Act
6 if such responsibility is delegated to it by the Director
7 of Revenue.

8 (c) The Board shall have jurisdiction over and shall
9 supervise all gambling operations governed by this Act. The
10 Board shall have all powers necessary and proper to fully and
11 effectively execute the provisions of this Act, including, but
12 not limited to, the following:

13 (1) To investigate applicants and determine the
14 eligibility of applicants for licenses and to select among
15 competing applicants the applicants which best serve the
16 interests of the citizens of Illinois.

17 (2) To have jurisdiction and supervision over all
18 riverboat gambling operations in this State and all persons
19 on riverboats where gambling operations are conducted.

20 (3) To promulgate rules and regulations for the purpose
21 of administering the provisions of this Act and to
22 prescribe rules, regulations and conditions under which
23 all riverboat gambling in the State shall be conducted.
24 Such rules and regulations are to provide for the
25 prevention of practices detrimental to the public interest
26 and for the best interests of riverboat gambling, including

1 rules and regulations regarding the inspection of such
2 riverboats and the review of any permits or licenses
3 necessary to operate a riverboat under any laws or
4 regulations applicable to riverboats, and to impose
5 penalties for violations thereof.

6 (4) To enter the office, riverboats, facilities, or
7 other places of business of a licensee, where evidence of
8 the compliance or noncompliance with the provisions of this
9 Act is likely to be found.

10 (5) To investigate alleged violations of this Act or
11 the rules of the Board and to take appropriate disciplinary
12 action against a licensee or a holder of an occupational
13 license for a violation, or institute appropriate legal
14 action for enforcement, or both.

15 (6) To adopt standards for the licensing of all persons
16 under this Act, as well as for electronic or mechanical
17 gambling games, and to establish fees for such licenses.

18 (7) To adopt appropriate standards for all riverboats
19 and facilities.

20 (8) To require that the records, including financial or
21 other statements of any licensee under this Act, shall be
22 kept in such manner as prescribed by the Board and that any
23 such licensee involved in the ownership or management of
24 gambling operations submit to the Board an annual balance
25 sheet and profit and loss statement, list of the
26 stockholders or other persons having a 1% or greater

1 beneficial interest in the gambling activities of each
2 licensee, and any other information the Board deems
3 necessary in order to effectively administer this Act and
4 all rules, regulations, orders and final decisions
5 promulgated under this Act.

6 (9) To conduct hearings, issue subpoenas for the
7 attendance of witnesses and subpoenas duces tecum for the
8 production of books, records and other pertinent documents
9 in accordance with the Illinois Administrative Procedure
10 Act, and to administer oaths and affirmations to the
11 witnesses, when, in the judgment of the Board, it is
12 necessary to administer or enforce this Act or the Board
13 rules.

14 (10) To prescribe a form to be used by any licensee
15 involved in the ownership or management of gambling
16 operations as an application for employment for their
17 employees.

18 (11) To revoke or suspend licenses, as the Board may
19 see fit and in compliance with applicable laws of the State
20 regarding administrative procedures, and to review
21 applications for the renewal of licenses. The Board may
22 suspend an owners license, without notice or hearing upon a
23 determination that the safety or health of patrons or
24 employees is jeopardized by continuing a riverboat's
25 operation. The suspension may remain in effect until the
26 Board determines that the cause for suspension has been

1 abated. The Board may revoke the owners license upon a
2 determination that the owner has not made satisfactory
3 progress toward abating the hazard.

4 (12) To eject or exclude or authorize the ejection or
5 exclusion of, any person from riverboat gambling
6 facilities where such person is in violation of this Act,
7 rules and regulations thereunder, or final orders of the
8 Board, or where such person's conduct or reputation is such
9 that his presence within the riverboat gambling facilities
10 may, in the opinion of the Board, call into question the
11 honesty and integrity of the gambling operations or
12 interfere with orderly conduct thereof; provided that the
13 propriety of such ejection or exclusion is subject to
14 subsequent hearing by the Board.

15 (13) To require all licensees of gambling operations to
16 utilize a cashless wagering system whereby all players'
17 money is converted to tokens, electronic cards, or chips
18 which shall be used only for wagering in the gambling
19 establishment.

20 (14) (Blank).

21 (15) To suspend, revoke or restrict licenses, to
22 require the removal of a licensee or an employee of a
23 licensee for a violation of this Act or a Board rule or for
24 engaging in a fraudulent practice, and to impose civil
25 penalties of up to \$5,000 against individuals and up to
26 \$10,000 or an amount equal to the daily gross receipts,

1 whichever is larger, against licensees for each violation
2 of any provision of the Act, any rules adopted by the
3 Board, any order of the Board or any other action which, in
4 the Board's discretion, is a detriment or impediment to
5 riverboat gambling operations.

6 (16) To hire employees to gather information, conduct
7 investigations and carry out any other tasks contemplated
8 under this Act.

9 (17) To establish minimum levels of insurance to be
10 maintained by licensees.

11 (18) To authorize a licensee to sell or serve alcoholic
12 liquors, wine or beer as defined in the Liquor Control Act
13 of 1934 on board a riverboat and to have exclusive
14 authority to establish the hours for sale and consumption
15 of alcoholic liquor on board a riverboat, notwithstanding
16 any provision of the Liquor Control Act of 1934 or any
17 local ordinance, and regardless of whether the riverboat
18 makes excursions. The establishment of the hours for sale
19 and consumption of alcoholic liquor on board a riverboat is
20 an exclusive power and function of the State. A home rule
21 unit may not establish the hours for sale and consumption
22 of alcoholic liquor on board a riverboat. This amendatory
23 Act of 1991 is a denial and limitation of home rule powers
24 and functions under subsection (h) of Section 6 of Article
25 VII of the Illinois Constitution.

26 (19) After consultation with the U.S. Army Corps of

1 Engineers, to establish binding emergency orders upon the
2 concurrence of a majority of the members of the Board
3 regarding the navigability of water, relative to
4 excursions, in the event of extreme weather conditions,
5 acts of God or other extreme circumstances.

6 (20) To delegate the execution of any of its powers
7 under this Act for the purpose of administering and
8 enforcing this Act and its rules and regulations hereunder.

9 (20.6) To appoint investigators to conduct
10 investigations, searches, seizures, arrests, and other
11 duties imposed under this Act, as deemed necessary by the
12 Board. These investigators have and may exercise all of the
13 rights and powers of peace officers, provided that these
14 powers shall be limited to offenses or violations occurring
15 or committed on a riverboat or dock, as defined in
16 subsections (d) and (f) of Section 4, or as otherwise
17 provided by this Act or any other law.

18 (20.7) To contract with the Department of State Police
19 for the use of trained and qualified State police officers
20 and with the Department of Revenue for the use of trained
21 and qualified Department of Revenue investigators to
22 conduct investigations, searches, seizures, arrests, and
23 other duties imposed under this Act and to exercise all of
24 the rights and powers of peace officers, provided that the
25 powers of Department of Revenue investigators under this
26 subdivision (20.7) shall be limited to offenses or

1 violations occurring or committed on a riverboat or dock,
2 as defined in subsections (d) and (f) of Section 4, or as
3 otherwise provided by this Act or any other law. In the
4 event the Department of State Police or the Department of
5 Revenue is unable to fill contracted police or
6 investigative positions, the Board may appoint
7 investigators to fill those positions pursuant to
8 subdivision (20.6).

9 (21) To take any other action as may be reasonable or
10 appropriate to enforce this Act and rules and regulations
11 hereunder.

12 (d) The Board may seek and shall receive the cooperation of
13 the Department of State Police in conducting background
14 investigations of applicants and in fulfilling its
15 responsibilities under this Section. Costs incurred by the
16 Department of State Police as a result of such cooperation
17 shall be paid by the Board in conformance with the requirements
18 of Section 2605-400 of the Department of State Police Law (20
19 ILCS 2605/2605-400).

20 (e) The Board must authorize to each investigator and to
21 any other employee of the Board exercising the powers of a
22 peace officer a distinct badge that, on its face, (i) clearly
23 states that the badge is authorized by the Board and (ii)
24 contains a unique identifying number. No other badge shall be
25 authorized by the Board.

26 (Source: P.A. 91-40, eff. 1-1-00; 91-239, eff. 1-1-00; 91-883,

1 eff. 1-1-01.)".